



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, Maryland 20910

APR 16 1998

Mr. Chuck Morton
District Branch Chief
Office of Environmental
Planning, North
Department of Transportation
Box 23660
Oakland, California 94623-0660



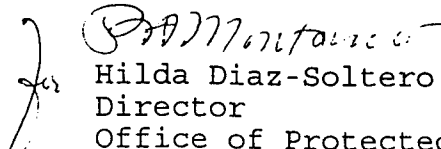
Dear Mr. Morton:

Thank you for your letter requesting a modification to your December 16, 1997, Incidental Harassment Authorization (IHA), issued under section 101(a)(5)(D) of the Marine Mammal Protection Act. Your letter requests the National Marine Fisheries Service (NMFS) substitute the word "driven" for the word "installed," under condition 5.d. of the IHA. This modification, you believe, will have no impact on harbor seals since it is the driving of the piles that causes harbor seal harassment. NMFS agrees, noting that the new term provides a more accurate description of when harbor seals will be harassed. Accordingly, condition 5.d. is modified to read as follows:

5.d. Between 9 p.m. and 7 a.m., no piles may be driven on the Bridge and construction noise may not exceed 86 dBA re 20 uPa at 50 ft (15 m).

A copy of this letter should be attached to the Incidental Harassment Authorization. If you have any questions concerning the Authorization or its requirements, please contact Irma Lagomarsino, Southwest Regional Office, National Marine Fisheries Service (NMFS) at 562-980-4016, or Kenneth Hollingshead, Office of Protected Resources, NMFS at (301) 713-2055.

Sincerely,


Hilda Diaz-Soltero
Director
Office of Protected Resources





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DEC 16 1997

Mr. Chuck Morton
District Branch Chief
Office of Environmental
Planning, North
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Box 23660
Oakland, California 94623-066

Post-it® Fax Note 7671		Date 12/24/97	# of pages 6
To	Melvin Joshi	From	Tara K
Co./Dept.	IHA	Co.	
Phone #		Phone #	
Fax #	231. 7113	Fax #	

Dear Mr. Morton:

Enclosed is an Incidental Harassment Authorization (IHA) issued to the California Department of Transportation, under the authority of Section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.), to take small numbers of marine mammals by harassment incidental to seismic retrofit construction of the Richmond-San Rafael Bridge, San Francisco Bay, CA.

You are required to comply with the conditions contained in this Authorization. In addition, you must cooperate with any Federal, State or local agency monitoring the impacts of your activities. The IHA requires monitoring the presence of marine mammals, mitigating adverse impacts to the lowest level practicable, and reporting any behavioral modifications resulting from your activity as observed by qualified individuals.

If you have any questions concerning the Authorization or its requirements, please contact Irma Lagomarsino, Southwest Regional Office, National Marine Fisheries Service (NMFS) at 562-980-4016, or Kenneth Hollingshead, Office of Protected Resources, NMFS at (301) 713-2055.

Sincerely,

Hilda Diaz-Soltero
Director
Office of Protected Resources

Enclosure



DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

Incidental Harassment Authorization

The California Department of Transportation is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)(5)(D); MMPA) to incidentally harass a small number of marine mammals in the course of seismic retrofit construction of the Richmond-San Rafael Bridge, San Francisco Bay, CA (the Bridge) contingent upon the following conditions:

1. This Authorization is valid only for a period of one year after the date of this authorization.
2. This Authorization is valid only for activities associated with pier retrofit, superstructure construction and tower retrofit work.
3. (a). The taking, by incidental harassment only, is limited to the species listed under condition 3(b) below. The taking by serious injury or death of these species, or the taking by harassment, injury or death of any other species of marine mammal, is prohibited and may result in the modification, suspension or revocation of this Authorization.

(b). The species authorized for incidental harassment takings are: Pacific harbor seals (*Phoca vitulina*) and California sea lions (*Zalophus californianus*).

(c). The taking of any marine mammal in a manner prohibited under this Authorization must be reported within 48 hours of the taking to the Regional Administrator or his representative at the National Marine Fisheries Service, Telephone (562) 980-4016.
4. The holder of this Authorization is required to cooperate with the National Marine Fisheries Service and any other Federal, state or local agency monitoring the impacts of the activity on marine mammals. The holder must notify Irma Lagomarsino or her representative at the Southwest Regional Office, NMFS at least 48 hours prior to either the "Closure Period" or the "Work Period," defined below, of the activity.

5. Mitigation.

(a). Caltrans must cease seismic retrofit construction work from February 15 to July 31 on the Bridge substructure, towers, and superstructure between Pier's 52 and 57, inclusive (Closure Period). Seismic retrofit work may occur from August 1 to February 14 on the Bridge substructure, towers, and superstructure between Piers 52-57, inclusive (Work Period).

(b). No watercraft associated with construction activities will be deployed during the year within the "exclusion zone" except when construction equipment is required for seismic retrofit construction between Piers 52-57, inclusive, and within the Work Period. The boundary of the exclusion zone is rectangular in shape (1700 ft by 800 ft) and completely encloses Castro Rocks and Piers 52-57, inclusive. The northern boundary of the exclusion zone will be located 250 ft from the most northern tip of Castro Rocks and the southern boundary will be located 250 ft from the most southern tip of Castro Rocks. The eastern boundary will be located 300 ft from the most eastern tip of Castro Rocks and the western boundary will be located 300 ft from the most western tip of Castro Rocks. This exclusion zone will be restricted as a controlled access area and will be marked off with buoys and warning signs for the entire year.

(c). The Holder will also minimize vessel traffic in the exclusion zone when conducting construction activities during the Work Period.

(d). Between 9 p.m. and 7 a.m., no piles may be installed on the Bridge and construction noise may not exceed 86 dBA re 20 uPa at 50 ft (15 m).

6. Monitoring.

(a). Biological monitoring of retrofit construction activities on harbor seals and California sea lions at Castro Rocks will be conducted by one or more NMFS-approved monitors.

(b). The Holder will monitor at least one additional harbor seal haul-out, approved in advance by NMFS, within San Francisco Bay to evaluate whether harbor seals use alternative

hauling-out areas as a result of seismic retrofit disturbance at Castro Rocks.

(c). The monitoring protocol will be divided into the Work Period phase (August 1 - February 14) and the Closure Period phase (February 15 - July 31). During the Work Period phase and Closure Period phase, the monitor(s) will conduct observations of seal behavior at least 3 days/week for approximately one tidal cycle each day at Castro Rocks.

(d). The following data will be recorded: (1) number of seals and sea lions on site; (2) date; (3) time; (4) tidal height; (5) number of adults, subadults, and pups; (6) number of individuals with red pelage; (7) number of females and males; (8) number of molting seals; and (9) details of any observed disturbances. Concurrently, the monitor(s) will record general construction activity, location, duration, and noise levels.

(e). At least 2 nights/week, during both the Closure Period and the Work Period, the monitor will conduct a harbor seal census after midnight at Castro Rocks.

(f). The monitor(s) will conduct baseline observations of seal behavior once a day for a period of five consecutive days at Castro Rocks and at the alternative site identified in condition 6(b) above, immediately before the initiation of construction between Piers 52-57, inclusive, in order to establish pre-construction behavioral patterns.

(g). During the Work Period and Closure Period phases, the monitor(s) will conduct observations of seal behavior at the alternative San Francisco Bay harbor seal haul-out at least 3 days/week and 2 days/week, respectively, during a low tide.

(h). If seismic retrofit construction of the Bridge is completed within the period of validity of this Authorization, immediately following the completion of construction, the monitor(s) will conduct observations of seal behavior at least 5 days/week for approximately one tidal cycle (high tide to high tide) each day, for one week/month during the months of April, July, October, and January. At least 2 nights/week, the monitor will conduct an additional harbor seal census after midnight.

7. Activities related to the monitoring described in this Authorization do not require a separate scientific research permit issued under section 104 of the MMPA.

8. Reporting.

(a). The Holder will provide weekly reports to the Southwest Regional Administrator, NMFS, including a summary of the previous week's monitoring activities and an estimate of the number of seals and sea lions that may have been disturbed as a result of seismic retrofit construction activities. Weekly reports will contain data required under condition 6 (d) above.

(b). A draft interim report must be submitted to the Southwest Regional Administrator on August 1, 1998. This report must contain the following information gathered to date:

(1) A detailed description of the monitoring protocol that was implemented;

(2) A summary of the data gathered during monitoring (e.g., figures, tables, text etc.);

(3) An estimate of the numbers of seals and sea lions at Castro Rocks that may have been harassed as a result of seismic retrofit construction activities;


(4) A description of observed or possible relationships between particular construction activities and seal and sea lion behavioral patterns at Castro Rocks both within and outside the closed period at Castro Rocks.

(5) A comparison of observed harbor seal haul-out behavioral patterns at Castro Rocks and harbor seal haul-out behavioral patterns at alternative sites in San Francisco Bay to assess possible effects of construction activities on harbor seal population dynamics in San Francisco Bay.

(c). A draft final report must be submitted to the Southwest Regional Administrator within 90 days after the expiration of Caltrans' Incidental Harassment Authorization.

(d). A final report must be submitted to the Southwest Regional Administrator within 30 days after receiving comments from the Regional Administrator on the draft final report.

9. A copy of this Authorization must be in the possession of each observer or group operating under the authority of this Incidental Harassment Authorization.



Hilda Diaz-Soltero
Director
Office of Protected Resources

16 Dec 97
Date